

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, January 18, 2006

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, January 18, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Young called the meeting to order. Present in addition to Mr. Young were Commissioners Pons, Hertzler, McBeth, and Friend. Absent was Commissioner Rose. Staff members present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

ELECTION OF OFFICERS FOR 2006

Current chairman Young opened the floor for nominations for the chairman for 2006. Mr. Pons moved and Mr. Hertzler seconded the nomination for Jesse Young for chairman for 2006. There being no additional nominations the floor was closed. Jesse Young was elected chairman unanimously.

Mr. Hertzler nominated Mr. Pons for 1st Vice Chairman. Mr. Young seconded the nomination. There being no additional nominations the floor was closed. Doug Pons was unanimously elected 1st Vice Chairman.

Mr. Young nominated Mr. Hertzler for 2nd Vice Chairman and Mr. Pons seconded the nomination. There being no additional nominations the floor was closed. Joe Hertzler was unanimously elected 2nd Vice Chairman.

Mr. Pons nominated Ms. Scott for Secretary, Mr. Hertzler seconded the nomination. There being no additional nominations the floor was closed. Donna (Dee) Scott was unanimously elected Secretary for 2006.

Because there is one vacant position on the Planning Commission, Commission representative appointments to the Site Plan Review Committee, Beautification Advisory Committee and Regional Issues Committee will be postponed until the position new member is appointed.

MINUTES

Mr. Pons moved that the minutes of the December 14 regular meeting and the December 15 work session be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Young, McBeth, Friend, Hertzler
Nay: None
Absent: Rose

CONSENT AGENDA

Mr. Pons asked that Consent Agenda item **SPR #06-002: Multipurpose and Warehouse Buildings, Berkeley Middle School, 1118 Ironbound Road** be removed from the Consent Agenda for discussion.

Mr. Hertzler moved to approve the other item on the Consent Agenda, reappointments of Laura Viancour and John McFarlane to the **Beautification Advisory Committee**. Mrs. McBeth seconded the motion which carried by roll call vote of 5-0.

PUBLIC HEARINGS

CIP: Five-Year Capital Improvement Program (FY07 to FY11). Citizens are requested to present items for inclusion in the Capital Improvement Program.

Mr. Nester noted the memorandum dated January 11, 2006 included in Commissioner's packets in which information pertaining to the Five Year Capital Improvement Program is detailed. He stated that public comments today will be taken to the Planning Commission's work session on February 8 when a draft of proposed projects will be presented to the City Manager. City Manager Tuttle will then present the comments to City Council at their February 9 regular meeting.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Mr. J. J. Digges, 512 South Henry Street stated that he owns property on South Henry Street and got a letter from the condo association regarding redoing the siding with cementitious siding. He suggested the average citizen cannot tell the difference between this product and the currently used product and, in addition, the average citizen cannot just go out and purchase Colonial Williamsburg Foundation quality materials. If one wants something to look good and last they need to use the man-made product and if vinyl is installed correctly, it will look good and last. Trims made from spruce or pine are expensive and our local climate is too humid for lasting application.

Victor Smith, 140 Chandler Court, stated that they redid their porch with original materials and had no problem finding the materials for their restoration. He said it is not true that one cannot get good materials and they found the materials to hold up wonderfully. Mr. Smith continued by saying that as a member of the Board of Directors at Counselors Close, he is disappointed PUDs will not be included for review in the revised *Design Review Guidelines*. He said that it is a mistake to give away review. In the 1920s the mayor began the planning process to maintain the identity and character of the City of Williamsburg and to now give this away willy-nilly is a mistake.

Suzanne Dell, 322 Indian Springs Road, said she feels the properties outside Rt. 199 aren't recognized as part of the City but should be. The McCardle building at the corner of Rt. 199 and Jamestown Road where vinyl siding was installed without ARB review is an example of a property owner who has no respect for the City regulations. She asked that the City be tougher on such activity. Mrs. Dell invited the Commission to her home to see examples of newer products. Rather than using Rosehead nails at \$1.25 each, they used Boatnails and are pleased with the appearance. She said they also used semplank with a very good result. She noted that semplank is now off the market but is being upgraded and hopefully will come back on the market as an improved product. If the City does allow vinyl in new construction and remodeling, there needs to be specific guidelines. The ARB does the best it can, but has no enforcement authority. Mrs. Dell concluded her comments by saying that when they moved to the City, there was no disclosure of the fact that they were in an ARB district and would need to go before the Board with any exterior changes to their house. She said if there is a Homeowners Association involved in a property transfer, they are required to disclose regulations and the buyer is to sign that they have received them. Mrs. Dell said it is imperative that new property owners without a HOA also be notified of this fact when property is transferred.

There being no additional comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

SPR #06-002: Multipurpose and Warehouse Buildings, Berkeley Middle School, 1118 Ironbound Road. The Commission approved the site plan with contingencies by a vote of 3-1-1.

At the October 13, 2005 Planning Commission meeting when the special use permit for this use was discussed (PCR #05-024), Commissioner Pons had raised the question of whether this is the best location for the project because of the limitations it would place on the future use of the property. Today he asked that the case be removed from the consent agenda so that he could follow up on this question. Mr. Nester responded that this issue was specifically mentioned in the memorandum on the special use permit sent to City Council and because the special use permit was approved by City Council, it can be inferred that City Council felt that this was an acceptable use of the property.

Mr. Hertzler moved that Planning Commission approve the site plan subject to the correction of minor engineering details as noted by City staff and completion of the following:

1. A subdivision plat to combine the 2.89 acre parcel acquired from the City with the Berkeley Middle School parcel must be submitted, approved and recorded prior to the issuance of any land disturbing or building permits for the project.
2. A VPDES permit from the Department of Environmental Quality must be obtained prior to the issuance of any land disturbing or building permit for the project.
3. As-built sewer and water drawings must be provided and approved by the City prior to the issuance of a certificate of occupancy for the project.
4. Easements for the water system improvements must be provided and approved by the City prior to the issuance of a certificate of occupancy for the project.

Mrs. McBeth seconded the motion which carried by roll call vote of 3-1-1.

Recorded vote on the motion:

Aye: Young, McBeth, Hertzler
Nay: Pons
Abstain: Friend
Absent: Rose

OLD BUSINESS

ARB #05-073: Revision of the Design Review Guidelines, which are used by the Architectural Review Board in reviewing requests for the erection, reconstruction, alteration, restoration, razing, demolition or moving of buildings, structures, signs and/or exterior architectural features in the Architectural Preservation (AP) and Corridor Protection (CP) Districts.

Zoning Administrator Murphy stated that Vice Mayor Haulman has asked for additional comments from the Planning Commission and Architectural Review Board and offered suggestions to allow additional flexibility in the review of siding materials in the Architectural Preservation District:

1. If existing artificial siding cannot be replaced in kind because the existing siding is no longer available in the market (for example asbestos shingles, some types of aluminum siding, etc.), the ARB may consider replacement with other types of artificial siding.
2. If removal of vinyl, aluminum, or some other type of siding material would so damage the underlying wood or brick as to require the replacement of

- the underlying material, the siding shall be replaced with brick, horizontal wood, or cementitious siding that resembles horizontal wood.
3. In the AP-2 and AP-3, if existing wood or brick siding is so deteriorated over a significant portion of the structure (50 percent or more) as to require replacement, the ARB may consider replacement with brick, horizontal wood, or cementitious siding that resembles horizontal wood.

Mrs. Murphy noted the request from Vice Mayor Haulman is on the agenda for the ARB meeting on January 24. Chairman Young stated that the ARB has spent many hours of hard work on the *Guidelines* and he would be hesitant to comment without prior benefit of receiving their comments.

Members of the Commission discussed Vice Mayor Haulman's suggestions with some of the following points being raised:

- Availability of materials over time may be an issue.
- Suggestion #3 encourages neglect.
- Attorney Phillips stated that the ARB Design Review *Guidelines*, the Zoning Ordinance and the Building Code are not stand alone regulations. There is a requirement for repair long before the 50% deterioration level, and we now have a more proactive property maintenance enforcement division then we did previously.
- Mr. Digges' suggestion that properly applied vinyl can look good, is fine but how can such application be controlled?
- As materials improve there needs to be more flexibility with their acceptance.
- Attorney Phillips, responding to Mr. Hertzler's query about notification about zoning restrictions, said there are no notification requirements in Virginia regarding zoning restrictions at real estate closing, except for conditional zoning where proffers are recorded. Closings have become rather sloppy with all kinds of representatives for buyers and sellers being used. This is probably an issue the Real Estate Board should address. There is no reason why disclosure of ARB regulations couldn't be done but at this time.
- How can someone know in advance of removal of their siding that the removal will damage the underlying material?

Mrs. McBeth suggested the ARB be allowed to have further discussion about the *Guidelines* without being influenced by Planning Commission's comments. Mr. Nester clarified that there is no prohibition against taking action at a work session, so Commission can review ARB's comments from their meeting on January 24 and compose their response to Council at the February 8 Planning Commission work session. Mr. Hertzler added that the building previously mentioned on Rt. 199 needs to be maintained under the same standards as other like areas.

NEW BUSINESS - None

OTHER

Appointments to the Beautification Advisory Committee

Laura Viancour, representative on the BAC for the Colonial Williamsburg Foundation, and John McFarlane, representative for the College of William and Mary, reached the end of their tenure on the Committee December 31, 2005. Both Ms. Viancour and Mr. McFarlane have consented to serve another three-year term. The reappointments for the period of January 1, 2006 – December 31, 2009 were approved under the consent agenda.

Work Session

The Commission will hold work sessions at 4:00 p.m. on January 19 and February 8 to discuss the Comprehensive Plan. In addition, comments to forward to City Council regarding the *Design Review Guidelines* will be finalized at the work session on the 8th of February.

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement
- 2005 Annual Reports for Planning Commission, Architectural Review Board and Board of Zoning Appeals

There being no further business the meeting adjourned at 4:30 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 15, 2006 -- None